HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICAITON NO. 1632 OF 2006.
IN
WRIT PETITION NO. 6030 OF 2005.

Dr. B. B. Gajre. ..Petitioner.

Versus.

Union of India & Ors. ..Respondents.

Shri. Ruchi Tolad along with Smt. D.S.Shah i/b Mayur Narendra & Compnay for the petitioner.

Shri. S.R.Rajguru for the respondent - U.O.I.

CORAM: S.B.MHASE, J.
(In Chamber.)

DATE : September 14, 2006.

P.C.

1. Heard both sides. Writ petition No. 6030 of 2005 was rejected by order dated 20.4.2006. At that time it was pointed out that after remand fresh notice was given and the statutory obligations were carried out and thereafter eviction order has been passed and thus there is no illegality in the proceeding. Accepting the said submission, the petition was rejected.

2. This is civil application filed to set aside the said order which is in the nature of a review

petition. Therefore, it is placed before this Court. Learned counsel submitted that the fresh notice was not given and the illegality was not cured. Learned counsel submitted that two grounds were raised before the City Civil Court when initially the order of eviction was challenged, however, while remanding the matter only one ground was accepted by the City Civil Court, namely, that matter was disposed of without giving a sufficient opportunity to the petitioner and therefore after remand fresh notice was given and thus the compliance of the remand order was made and eviction order has been passed giving due opportunity. Thus, what is found that as per the remand order the compliance was made and thereafter the order has been passed. The remand order contemplates a fresh notice to be given and thereby to give an opportunity to the respondent and in that light and in that perspective the observations in the earlier order are required to be understood. Thus understood, there is no incorrect statement in the said order. Civil application is without any merit. Civil application is rejected.

(S.B.MHASE, J.)